

THIS AMENDMENT:	
____ Passed ____	Passed as amended by ____
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HEARING DIVISION PROPOSED AMENDMENT # 1

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COMPANY: Arizona Public Service Company

AGENDA ITEM NO. U-5

DOCKET NO. E-01345A-98-0473 Et Al. OPEN MEETING DATE: March 28 & 29, 2000

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"Section VII.B, concerning the "Prohibition on Suggestion of Utility Advantage", currently prohibits an Electric Service Provider from using APS' name or logo in any written promotional advertising material. We concur with the Arizona Consumers Council that the prohibition on the use of APS' name and logo should not be limited to written materials. Therefore, we delete "written" from Section VII.B.

We concur with ATDUG that APS should not be able to use confidential information in an unfairly discriminatory way. ATDUG suggests broadening the definition of "Third Party" in the Code of Conduct to include "or other market participants" to be consistent with the terminology of the Electric Competition Rules. APS argued against the modification in part on the grounds the Commission did not have jurisdiction over these entities. However, by adding the term "or other market participants" the Commission is not asserting jurisdiction over these other entities, but is preventing APS from unfairly discriminating against them. The Commission does have jurisdiction over APS' conduct. Consequently, in Section I, we insert "or other market participants" in the definition of "Third Party" after "Electric Service Provider".

We also believe that APS' own suggestion to add language clarifying the definition of "Confidential Customer Information" is reasonable. In Section I, at the end of the definition of "Confidential Customer Information" we would add "Confidential Customer Information also includes non-public customer-specific information obtained by APS from customers of special districts and public power entities on behalf of such special districts and public power entities."